



Your Right to Representation

You can have a representative help you when you do business with Social Security. Your representative can be an attorney or a non-attorney. We will work with your representative, just as we would with you. For your protection, in most situations, your representative can't charge or collect a fee from you without first getting written approval from us. However, your representative may accept money from you in advance if the money is held in a trust or escrow account.

Both you and your representative are responsible for providing us with accurate information. Knowingly providing inaccurate or false information could result in criminal charges for you and your representative.

What a representative can do

Once you appoint a representative, that person can act on your behalf by:

- Getting information from your Social Security file.
- Helping you get medical records or other information to support your claim.
- Coming with you, or for you, to any interview, conference, or hearing you have with us. (However, a representative may not testify in your place at a hearing.)
- Requesting a reconsideration, a hearing, or an Appeals Council review.
- Helping you and your witnesses prepare for a hearing and questioning any witnesses.

Your representative will also receive a copy of the decision(s) we make on your claim(s).

Choosing a representative

You can choose an attorney or other qualified person(s) to represent you. You cannot appoint someone who the law prohibits from acting as a representative, or who we have previously suspended or disqualified from representing others.

Some organizations can help you find a representative or give you free legal services. Each of our offices has a list of organizations that can help you find a representative.

You can appoint one or more people in a firm, corporation, or other organization as your representatives but you cannot appoint an entire firm, corporation, or organization even if they are all part of the same group.

After you choose a representative, you must tell us **in writing** as soon as possible. You must use our standard form, *Claimant's Appointment of a Representative* (SSA-1696). The form is available on our website at www.ssa.gov/forms/ssa-1696.pdf or at any local Social

Security office. You can submit the form online or by mail. Both you and your representative must sign the form. Your representative can also file the form electronically by visiting www.ssa.gov/representation. You will both need to sign the form before submitting it.

What your representative may charge you

In most situations, your representative(s) must file a fee agreement or a petition asking us to authorize the fee they may charge you for services provided.

Your representative **cannot** charge you more than the amount we authorize. If you or your representative disagree with the authorized fee, either of you can ask us to reassess the amount.

Your representative may attempt to charge or collect a fee without our approval, or may try to charge or collect more than the authorized fee. If so, we may suspend or disqualify them from representing anyone before our agency. If you believe that this has occurred, follow the instructions below in the **Reporting concerns about your representative's conduct** section.

Filing a fee agreement

If you and your representative have a written fee agreement, we will generally approve the agreement. We will tell you in writing how much your representative may charge, provided the following conditions are met:

- You file a fee agreement signed by you and all your representatives who are charging you a fee before we decide your case.
- We approved your claim and you will get past-due benefits.
- The fee you agreed on with your representative isn't more than 25% of past-due benefits or \$7,200, whichever is less.

We may deny the fee agreement. If you don't agree with our decision, you or your representative must contact us within 15 days from the date we denied the fee agreement. We may authorize a fee amount that you disagree with. If so, you or your representative must contact us within 15 days from the date we authorized the fee amount.

Filing a fee petition

If you and your representative do not submit a fee agreement, your representative may submit a fee petition after completing the work on your claim(s). This written request should describe in detail the services provided and the amount of time spent on each service. The

representative must provide you a copy of the fee petition and each attachment. If you disagree with the fee asked for or the information shown, you should contact us within 20 days from the date you receive a copy of the petition. We'll review the value of the representative's services and tell you, in writing, the fee your representative is authorized to charge and collect. If you disagree with the fee we authorize, you must tell us in writing within 30 days from the date we authorize the fee petition.

How much you pay

The fee we decide your representative can charge is the most you owe for their services, even if you agreed to pay your representative more. However, your representative can charge you for out-of-pocket expenses they incur, such as costs for medical reports or hospital records, without our approval. You must pay out-of-pocket expenses directly to the representative.

If an attorney or a non-attorney whom we have found eligible for direct payment represents you, we withhold up to 25% of your past-due benefits to pay toward the fee. We pay all or part of the representative's fee from this money and send you any money left over.

Sometimes you must pay your representative directly. For example, you must pay your representative directly if the amount we authorized is more than the money we withheld and paid your representative. You must also pay the entire fee directly if your representative is not eligible for direct payment or your case did not result in past-due benefits. Also, you must pay your representative directly if we did not withhold 25% of benefits and we sent you the money we should have withheld.

If someone else pays your representative

We must approve the fee, even when someone else will pay it for you (for example, a friend or relative), unless:

- It is a business, a for-profit or nonprofit organization, or a federal, state, county, or city agency that'll pay the fee and any expenses from its own funds.
- You and any auxiliary beneficiaries are free of direct or indirect liability to pay the fee or expenses, in whole or in part, to a representative or someone else.
- Your representative gives us a written statement that you won't have to pay any fee or expenses.

If you appeal your claim to the federal court

Your attorney can only charge a fee for services if the court allows it, and your attorney can only charge the amount the court allows.

Revoking your representative's appointment

If you want to stop working with a representative, you must revoke the appointment in writing. You can send a letter explaining that you wish to revoke the appointment or you may use form *Claimant's Revocation of the Appointment of the Representative* (SSA-1696-SUP 1). This form is available at ssa.gov/forms/ssa-1696-sup1.pdf or at your local Social Security office. You can send the dated and signed revocation letter to your local Social Security office.

Reporting concerns about your representative's conduct

Representatives must follow our *Rules of Conduct and Standards of Responsibility* in dealings with you and us. This includes, but is not limited to, providing you with competent representation and maintaining prompt and timely communication with you. For more information about representatives' responsibilities, please visit www.ssa.gov/representation/conduct_standards.htm.

If you have concerns about the conduct of your representative, you may contact the Office of the General Counsel in writing at:

Social Security Administration
Office of the General Counsel
Attn: Representative Conduct
6401 Security Boulevard
Baltimore, MD 21235-6401

Contacting Us

There are several ways to do business with us including online, by mail, by phone, and in person. If you cannot use our online services, we can help you by phone when you call our national toll-free 800 number.

If you don't have access to the internet, we offer many automated services by telephone, 24 hours a day, 7 days a week, so you may not need to speak with a representative. Call us toll-free at **1-800-772-1213** or at our TTY number, **1-800-325-0778**, if you're deaf or hard of hearing. We provide free interpreter services upon request. For quicker access to a representative, try calling early in the day (between 8 a.m. and 10 a.m. local time) or later in the day. **We are less busy later in the week (Wednesday to Friday) and later in the month.**



Securing today
and tomorrow

Social Security Administration
Publication No. 05-10075
September 2023 (Recycle prior editions)
Your Right to Representation
Produced and published at U.S. taxpayer expense